

MINUTES
Ford City Borough Council
Reorganization Meeting
Location: Latin American Club
January 4, 2016

CALL TO ORDER

Mayor Marc Mantini called the meeting to order at 6:00 p.m. and advised the audience that the meeting for Monday, January 4, 2016 will be audio taped by Ford City Borough and Lisa Bittner. Jonathan Weaver – Kittanning Paper and Julie Martin – Leader-Times are also audio taping the meeting.

PLEDGE OF ALLEGIANCE

Mantini lead everyone in reciting the Pledge of Allegiance.

ROLL CALL

Mantini called for attendance to be taken, Carol Fenyes, Ray Klukan, Tyson Klukan Beth Bowser, Kathy Bartuccio, and Marc Mantini were present. [At this time Mantini is holding the elected position of Mayor.]

ATTENDANCE

Solicitor Paula Willyard, Borough Manager Eden Ratliff, Borough Secretary Lisa Bittner, and District Judge J. Gary DeComo were present.

SWEARING IN CEREMONY – COUNCIL MEMBERS

Solicitor Willyard advised to do separate swearing in of the new Council members.

Judge J. Gary DeComo administered the oaths of office to Carol Fenyes, then Raymond Klukan and then Tyson Klukan.

REORGANIZATION

NOMINATION AND ELECTION OF COUNCIL PRESIDENT

Mayor Mantini called for nominations for Council President.

R. Klukan nominated Carol Fenyes.

Bartuccio nominated Ray Klukan.

Mantini states the nominations are closed.

Roll Call Vote taken – Carol Fenyes for Council President

Fenyes asks if she can vote.

Solicitor Willyard stated that can be considered a conflict of interest. But, case law goes either way on that.

| | | | |
|-----------|-----|-----------|-----|
| Bartuccio | nay | Bowser | nay |
| Fenyes | | R. Klukan | yea |
| T. Klukan | yea | | |

Vote tally 2 2 1

Mayor Mantini breaks the tie in favor of Carol Fenyes for Council President.

NOMINATION AND ELECTION OF COUNCIL VICE-PRESIDENT

Mayor Mantini called for nominations for Council Vice-President.

R. Klukan nominated Tyson Klukan

Solicitor Willyard stated a vote will be taken on this nomination and if that vote fails then another nomination will be taken.

Mantini asks if there are any other nominations.

Bartuccio nominates Ray Klukan.

Roll Call Vote taken – Tyson Klukan for Council Vice-President

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|-----------|-----|-----------|-----|----------|
| Bowser | nay | Fenyes | yea | |
| R. Klukan | yea | T. Klukan | | abstains |
| Bartuccio | nay | | | |

Vote tally 2 2 1

Mayor Mantini breaks the tie in favor of Tyson Klukan for Council Vice-President.

TURN MEETING OVER TO COUNCIL PRESIDENT

Mayor Mantini turns the meeting over to Council President Fenyes.

RESIGNATION – MAYOR MARC MANTINI

Marc Mantini reads his resignation letter from the position of Mayor. (Attachment)

R. Klukan made a motion to accept Mayor Mantini resignation. Seconded by Bartuccio.
Motion Carried. 5-0 Unanimous

SWEARING IN CEREMONY – COUNCIL MEMBERS

Judge J. Gary DeComo administered to Marc Mantini.

NOMINATION AND ELECTION OF COUNCIL PRESIDENT PRO-TEM

Council President Fenyes called for nomination for President Pro-Tem.

R. Klukan nominated Beth Bowser.

Roll Call Vote taken – Beth Bowser for Council President Pro-Tem

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|-----------|-----|-----------|-----|----------|
| Fenyes | yea | R. Klukan | yea | |
| T. Klukan | yea | Mantini | yea | |
| Bartuccio | nay | Bowser | | abstains |

Vote tally yea- 4 nay- 1 abstain - 1

Beth Bower is the Council President Pro-Tempore

NOMINATION AND ELECTION OF COUNCIL PARLIAMENTARIAN

Council President Fenyes called for nomination for Parliamentarian.

Bartuccio nominated Marc Mantini.

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|-----------|-----|----------|-----------|-----|
| R. Klukan | yea | | T. Klukan | nay |
| Mantini | | abstains | Bartuccio | yea |
| Bowser | yea | | Fenyes | yea |

Vote tally yea- 4 nay- 1 abstain - 1

Marc Mantini is the Council Parliamentarian.

NOMINATION AND ELECTION OF COUNCIL SERGEANT AT ARMS

Council President Fenyes called for nomination for Sergeant at Arms.

Bartuccio nominated Ray Klukan. .

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|-----------|-----|-----------|----------|
| T. Klukan | yea | Mantini | yea |
| Bartuccio | yea | Bowser | yea |
| Fenyes | yea | R. Klukan | abstains |

Vote tally yea- 5 nay- 1

Ray Klukan is the Council Sergeant At Arms.

SET 2016 COUNCIL MEETING DATES

T. Klukan made a motion to set [advertise] the 2016 Council meetings for the second Monday of every month at 6:30 p.m. Seconded by Bowser. Motion Carried. 6-0 Unanimous

CITIZENS COMMENTS

At this time, citizens may address Council on any issue appearing on today's agenda. Only residents and taxpayers of the Borough of Ford City will be permitted to address Council. Comments on non-agenda items will be taken at the end of tonight's meeting. Speakers will be permitted to speak for a maximum of 5 minutes. Groups of people will be required to designate a spokesperson to represent them before Council who may speak for a maximum of 10 minutes. Citizens are asked to clearly state and spell their name and provide their address for the record and keep comments brief and to the point.

Kim Bish stated she sees an action item to advertise for part-time police officers. Will Council be planning on advertising for a Police Chief? Fenyes answered yes, they will be planning on advertising but the budget will need to be reviewed first.

ACTION ITEMS

POSITION OF MAYOR

R. Klukan made a motion to advertise for letters of interest to fill the unexpired term of Mayor. Seconded by Bartuccio. Motion Carried. 6-0 Unanimous

PART TIME POLICE

Bowser made a motion to advertise for part time police officer applications. Seconded by T. Klukan. Motion Carried. 6-0 Unanimous

VACANCY BOARD CHAIRMAN

Bowser made a motion to advertise for the vacant position of Vacancy Board Chairman. Seconded by Bartuccio. Motion Carried. 6-0 Unanimous

2016 BUDGET

T. Klukan made a motion to reopen the 2016 budget. Seconded by Mantini.
Motion Carried. 5-1 Bartuccio is opposed.

MEETING ADVERTISEMENT

Mantini made a motion to advertise for a Council Meeting to take place on January 25, 2016 at 6:00 p.m. in the Latin American Club for the purpose of hearing comment from a Federal Emergency Management Agency representative and any other business. Seconded by Bartuccio.
Motion Carried. 6-0 Unanimous

CITIZENS COMMENTS

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CHOO CHOO TRAIN

T. Klukan made a motion for the train the Borough currently holds the title to transfer to the Ford City Renaissance Corporation and per their by-laws if they default or their non-profit closes it [Choo Choo Train] is returned back to Ford City Borough.

Solicitor Willyard stated she is here filling in for Solicitor Vigilante and explained she is aware this issue has been discussed amongst the prior Council. Willyard recommended the new Council review all of the issues and determine what needs to be addressed to determine exactly the steps that should be taken in order to follow through with the transaction. Willyard advised it is premature at this time for a motion to force the transfer until everyone knows what needs to be done to make that happen.

T. Klukan asked if this would be up for discussion.

Motion seconded by R. Klukan

Bowser asked if this could be done by resolution?

Solicitor Willyard stated she thinks it will have to be done by motion, but she will have to check on that.

Bowser explained she would like to see this done by resolution so that stipulations could be placed on it without a lease to the committee. It would override if there would be anybody that would take control of one of the operating seats, chairperson of that committee if it would change hands the by-laws without the notifying the Borough then I believe the resolution would be able to cover that. Just to be safe, that is how I would like to approach it with a resolution.

Solicitor Willyard there are a lot of terms that need to be discussed with a contract between both parties in order to come to a final agreement. Once you have that final agreement that is what Council should vote on. Once you have that in a format where Council can look at it and determine what is best for both parties. This is a little bit premature that is my personal opinion.

Council President Fenyes asked if this is something to be discussed in Executive Session?

Solicitor stated she does not believe this falls under the parameters of Executive Session.

T. Klukan asked Bowser if she said no lease.

Bowser stated she would be willing to transfer the title with the stipulation that when the committee is finished using the train that they would return it to the Council. The Council at that time would determine what to do with it. Also, that the resolution would state the committee would be responsible for maintenance, storage, any up keep and insurance liabilities.

Mantini stated the reason we have a solicitor is for their wisdom and we are dealing with honorable people. We have to deal with them honorably. We also have to abide by what our Solicitor speaks to.

Solicitor Willyard asked if there was a written proposal before Council?

Borough Manager stated there has been a lot of exchange of documents. There has been proposals and counter proposals that each side has proposed. At this point if you know the direction you want to move in you should get documentation from this Council of what you are willing to propose. Which I believe will be in line with the last proposal submitted by the Ford City Renaissance.

Bowser asked if the Borough Manager had that agreement? Borough Manager answered not on hand.

Bowser stated then we should abstain from a vote at this time, if we do not have the agreement to review.

Bartuccio asked if we could find out where the train is at this time also?

Council President stated we will ask after the meeting.

Council President Fenyes stated the Renaissance has submitted photographs. They appear to be before and after. Paul Klukan [Renaissance Committee] added there are no after photos, because it is not done yet. Fenyes asked Council how they want to proceed at this point? Fenyes states she personally thinks this issue should not be drug out and needs to be resolved as quickly as possible. If we want to have the agreements in place in order to do it expeditiously then I would recommend we postpone until the 25th. That would give us time to get things in order and have it prepared to turn over.

Solicitor Willyard reminded everyone there is a motion on the floor.

Council President called for a vote.

R. Klukan asked where would that train be sitting now if they didn't take it over. In the junk yard.

Miklos stated Tyson said he wasn't going to vote.

R. Klukan stated that's Tyson, that's not me. He don't speak for me.

Josh Adams stated he is not a member of the [Renaissance] Committee or a member of Council. This committee took this pile of junk, there was a tree growing through the frame, there are always question about liability with things. If this was just a pile of junk, a junk car, that is a liability. If I had a junk car on my property, I would probably get fined for that. We have a non-profit, a 501C3, willing to take ownership, why would Council want to drag their feet any further? Proceed with the vote and let them take this train. This is embarrassing, this is dragging on so long. They are making a difference. Take a walk down Ford Street. Take a walk through the Ford City Park. This group is good.

Kim Bish explained she was on Council with the train suddenly appeared. It was gonna be scrapped. For years we could not find the title. Amazingly it was found. [A reconstructed title was applied for.] It [train] ended up in the care of some really good people. We weren't doing anything with it. We were going to scrap it. They took it and put a lot of their money, time and effort into it. Brought it almost back to life. For us to deny that to them and to the town is a shame. Eden should probably have this, I'm sure there was an agreement written. It should be done and over with. To lease it to them, no. To give it to them, yes.

Council President asked if there was an agreement?

Jerry Miklos stated he doesn't think anyone is opposed to giving this group the train. The question here is "How does the Borough ensure that the train comes back to the community should anything happen to the Renaissance Committee?" That's been discussed and the Solicitor said there is nothing to vote on because you don't have an agreement. How can you vote on some abstract comment, you need the agreement. How do you ensure that that happens?

Council President answered by resolution of the Renaissance Committee when they do their articles of dissolution that they assure it comes back to the Borough.

Julie Totos added keep in mind that the train if it comes back it will be in better shape.

R. Klukan suggested voting on the resolution on January 11, 2016.

Mantini stated this is why we have a solicitor.

Council President asked if there is an agreement existing that turns it over to them?

Borough Manager answered yes there is an agreement proposed by the Ford City Renaissance to transfer the title and them ensuring that it will be transferred back and that's been reviewed by legal Counsel.

Council President stated she has not read it and she would like to read it.

Borough Manager stated there is plenty of time to review it and entertain it for next Monday.

Council President asked if that is acceptable to everyone? That we read the agreement that we assure that it is exactly as we want it for the Renaissance Committee to retain ownership with the promise that it will come back to the Borough upon resolution. Once we assure that we will put it on the agenda for next Monday and act on it. Is that acceptable? Mantini answers yes

Vicki Schaub spoke to the Solicitor and stated during the vote each one abstained from their vote for their positions on Council and none of them gave any excuse as to why they abstained. It is a conflict of interest for Raymond and Tyson Klukan both on the train issue.

R. Klukan asked where is the conflict of interest?

Solicitor Willyard stated she would have to review the conflict of interest policies of the Council in order to answer that question. In this case there is a motion on the floor to be entertained. At this point I believe Councils intent may be to table that motion until a later date. My suggestion again is there is not an agreement to her knowledge that has both parties agreeing to everything. The new Council

should be given the opportunity to review what is in existence and determine if they are going to address the issue and make sure it is going to address the issue as well.

Council President asked if it is appropriate for Council to meet with the Renaissance Committee to make sure the agreement is acceptable on both sides before next Council meeting?

Solicitor Willyard stated she will have to defer the answer to that to Solicitor Vigilante. Only because he has been handling this process the entire way and she is not sure where it's at in the process. Willyard will contact Vigilante first thing the morning to get an answer.

JoAnn Scopel suggested pictures of the train be shown to the Solicitor. Because of all this fussing, the train could not be used at Christmas for the kids,

Lou Vergari stated you can't have a motion on top of another motion.

T. Klukan and R. Klukan withdraw their motions.

Paul Klukan stated this all started back in 2011. This was voted on already. There was an agreement given to us supposedly by your Solicitor, which we turned down. We counter proposed. We changed our by-laws, it goes back to you guys. Like everyone here said, it was going to be junked. We have \$2,000 tied up in the train. My Committee is going to give Council until their next meeting, if we hear nothing about the train, we are either going to take the parts out we put in, submit Council a bill for approximately \$5,000, we will construct our own train. Mr. Miklos you can have the old one for your yard.

Klukan explained there is an old storage trailer on the Borough 14th Street & 3rd Avenue property that Mr. Dinko kept firework tubes in. Dinko no longer uses it. Klukan stated he spoke with Bill [Stivason] and was told the Borough doesn't use it for anything. Klukan asked permission for the Renaissance Committee to look at it? If it needs a new roof, they will put it on at their expense. They need a place to store Christmas displays.

Council President stated they will look in to the matter and have an answer for Monday.

SOLICITOR COMMENTS

Solicitor Willyard made comments that required no action.

BOROUGH MANAGER COMMENTS

Borough Manager made comments that required no action.

COUNCIL COMMENTS

All members of Council made comments and no action was required.

ADJOURNMENT

R. Klukan made a motion at 7:00 p.m. to adjourn. Seconded by K. Bartuccio.
Motion Carried. 6-0 Unanimous

Carol Fenyes
Council President

Lisa Bittner
Borough Secretary